

JOEL KERSCHER	§	
VS.	§	CIVIL ACTION NO. 1:17-CV-290
UNITED STATES OF AMERICA	§	

¹A copy of the Report and Recommendation was returned as undeliverable (docket entry no. 5).

F.3d 323, 328 (5th Cir. 2004). To make a substantial showing, the movant need not establish that he would prevail on the merits. Rather, he must demonstrate that the issues are subject to debate among jurists of reason, that a court could resolve the issues in a different manner, or that the questions presented are worthy of encouragement to proceed further. *See Slack*, 529 U.S. at 483-84. Any doubt regarding whether to grant a certificate of appealability should be resolved in favor of the movant, and the severity of the penalty may be considered in making this determination. *See Miller v. Johnson*, 200 F.3d 274, 280-81 (5th Cir.), *cert. denied*, 531 U.S. 849 (2000).

In this case, movant has not shown that the issues of concern are subject to debate among jurists of reason or worthy of encouragement to proceed further. As a result, a certificate of appealability shall not issue in this matter.

So Ordered and Signed

Dec 16, 2017

A handwritten signature in black ink, appearing to read "Ron Clark", is written over a horizontal line.

Ron Clark, United States District Judge